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09/583,998	05/30/2000	Farideh Khaleghi	254/133	1828

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/583,998

Applicant(s)

KHALEGHI ET AL.

Examiner

Alexander Boakye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-8, 10-18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. (US Patent # 6,028,851) in view of Schilling (US Patent # 5,367,533).

Regarding claims 1 and 5, Persson discloses call admission method for CDMA system, comprising: for a channel selected from the group of forward and reverse radio channels (for a channel selected from the group of forward and reverse radio channels is inherent in CDMA system since base station transmits on forward channels while mobile station transmits on reverse channels which is well known in the art) : calculating a current channel power level for voice calls (column 5, line 59-column 6, lines 1-11); receiving a request to admit a data call, wherein a reserved channel power level for data calls will exceed a desired reserved channel if the call admission request is granted (column 3, lines 58-63; column 5, lines 1-12); and admitting the data call if the sum of the reserved channel power level for the data calls upon admission and the current channel power level for voice calls is less than a power maximum and if, upon admission,

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a sufficient power is available to admit at least one additional voice call (column 8; lines 1-14).

Persson differs from the claimed invention in that Persson does not explicitly disclose dynamic call. However, Schilling discloses dynamic voice call (column 16, lines 54-60). One of ordinary skill in the art would have been motivated to incorporate dynamic voice call in the communication network of Persson in order to control call power levels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate dynamic voice call such as the one taught by Schilling into the communication network of Persson with the motivation being that it provides capability to prevent interference.

2. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourgoïn et al. (US Patent # 6,643,521) in view of Persson et al. (6,028,851).

Regarding claim 9, Bourgoïn discloses a call admission monitor in a wireless communication network (column 3, lines 10-18 ; column 4, lines 48-50 ) comprising: a voice power estimator configured to estimate a total voice power level for all voice communications being served on the a communication channel (column 4, lines 51-67; column 5, lines 25-27); a data power estimator configured to estimate a total data power level for all data communications being serviced on the communication channel (column 4, lines 51-67); the call admission monitor configured to admit additional data (column 2, lines 54-61 ). Bourgoïn differs from the claim invention in that Bourgoïn does not disclose dynamic

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operating point for a maximum channel power. However, Persson discloses dynamic operating point for a maximum channel power (column 4, line 59-column 5, lines 1-11 ). One of ordinary skill in the art would have been motivated to incorporate dynamic operating point for maximum channel power into the communication network of Bourgoïn in order to achieve dynamic range. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate dynamic operating point such as the one taught by Persson into the communication network of Bourgoïn with the motivation being that it provides capability for the system to set data and voice threshold for users, thus enhancing efficiency.

Regarding claim 19, Bourgoïn teaches a wireless communication system( Fig. 1), comprising a plurality of mobile devices configured for data and voice communication (column 3, lines 10-15; the claimed mobile devices reads on active users 12 and 13 of Fig. 1); and at least one base station that includes a call admission monitor(column 4, lines 48-50 ; base station 11, Fig. 2 includes connection admission control which reads on call admission monitor), the call admission monitor comprising a voice power estimator configured to estimate a total voice power level for all voice communications being serviced on a communications channel (column 4, lines 51-67); and a data power estimator configured to estimate a total data power level for all data communication being serviced on the communications channels (column 4, lines 51-67); the call admission monitor configured to admit additional voice or data communications

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(column 2, lines 54-61). Bourgoin differs from the claim invention in that Bourgoin does not teach dynamic operating point for a maximum channel power. However, Persson discloses dynamic operating point for a maximum operating point (column 4, line 59-column 5, lines 1-11 ).

One of ordinary skill in the art would have been motivated to incorporate dynamic operating point for maximum channel power into the communication network of Bourgoin in order to achieve call dynamic range. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate dynamic operating point such as the one taught by Persson into the communication network of Bourgoin with the motivation being that it provides capability for the system to set data and voice threshold for users, thus enhancing efficiency.

#### ***Allowable Subject Matter***

3. Claims 2-4, 6-8, 10-18 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (703) 308-9554. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax

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number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

AB

4/15/04

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 4/9/04